IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3071 OF 2006

Ghasiram Kanhailal Solanki ...Applicant

vs.

N.C.B.
The State of Maharashtra ...Respondents

None for the Applicant
Mr.Rajesh More, A.P.P. for State

CORAM: A.S.OKA,J.
DATE : SEPTEMBER 28,2006.

P.C.:

1. None appears for the Applicant. I have perused the report dated 22nd September 2006 submitted by the learned Special Judge (ACB/NDPS), Greater Bombay.

2. The present Application has been filed for seeking direction to the learned Special Judge to conduct the trial in the pending N.D.P.S. Special case on day to day basis as envisaged under section 309 of the Code of Criminal Procedure, 1973 (hereinafter referred to as said Code). It is stated that more than 2 years have passed since the charges were framed and the trial has not made any progress. In paragraph 4 of the Application it is alleged that the concerned case is the oldest case pending on the file of the learned Special Judge.

3. In the report submitted by the learned Special Judge, he

has set out what transpired in the case on various dates fixed in the case. In the report, the learned Judge has stated that on 13th August 2004 charge was framed. On the next date, on the witness list, an order was passed of issuing witness summons. On the returnable date none of the prosecution witnesses were present. On 23rd September 2004, one prosecution witness was present. However, the matter was required to be adjourned since the accused persons were not produced for want of availability of escort. On the next date i.e. on 6th October 2004, the prosecution witnesses were not present. On subsequent dates, the learned Judge has noted that he was busy in hearing High Court expedited hearing matters. He has stated that recording of evidence of the first prosecution witness in this case was commenced on 11th April 2005. By 20th July 2006, the evidence of four prosecution witnesses has been recorded. The evidence of P.W.No.5 was recorded on 17th August 2006. The cross examination of the said witness was completed on 22nd September 2006.

4. The learned Judge has noted that 48 custody cases under the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the said Act) are pending in his court. In addition to the said cases, he is dealing with the cases of the Prevention of Corruption Act, 1988.

5. In the report, the learned Judge has disclosed that the

Criminal Application no.7931 of 2005 was filed by the Applicant in this court praying for expediting the trial. The said application was disposed of by this Court by order dated 19th January 2006. The learned Judge has stated that this Court while disposing of the said application has observed that in the N.D.P.S. matters normally the court has to proceed with the cases chronologically. The said application was disposed of without expediting the trial. It is pertinent to note that the fact of filing earlier application is not disclosed by the Applicant in this Application.

6. After having perused the report, I am satisfied that the learned Trial Judge is making all possible efforts for ensuring the early disposal of not only the case of the Applicant but also all other similar cases. Hence, there is no substance in the grievances made in this Application.

7. Hence, Application is rejected.

. A copy of this order be forwarded by the Registrar (Judicial-I) to the learned Special Judge, (ACB/NDPS), Gr.Bombay.

JUDGE